

As discussed in Annex B to the Administrative Instructions under the PCT, the method for determining unity of invention under PCT Rule 13.2 is construed as permitting the inclusion of the following combinations of claims of different categories in the same international application:

(i) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product (Annex B at paragraph (e)(I)).

Accordingly, at least the method of making and the method of using claims should be examined in this application with the elected product claims. Moreover, with respect to the formulation and article claims, the claimed product is used as intermediate to produce these final products and are thus in unity with these claims (see Annex B at paragraph (g)). Accordingly, these claims should be examined with the elected product claims as well.

In the event of a final determination that the restriction should not be withdrawn, Applicant respectfully requests that the non-elected claims be held in abeyance pending an examination of the elected product claims. Upon allowance of the product claims, Applicant respectfully requests rejoinder of all of the claims that depend from the allowed product claims in accordance with the provisions of MPEP 821.04(a) and (b).

In view of the above, Applicant has fully responded to all requirements in the official action and respectfully requests an early action on the merits of at least the elected claims.

Respectfully submitted,



CLIFFORD J. MASS
LADAS & PARRY LLP
26 WEST 61st STREET
NEW YORK, NEW YORK 10023
REG.NO.30086 TEL.NO.(212) 708-1890